IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 20931 of 2004

Between:

1 S.Kondala Rao, s/o Ramalingeswara Rao, Assistant Commissioner, Endowments Department, Visakhapatnam.
2 R. Krishna Mohan, S/o Basavaiah, Assistant Commissioner-cum-J.V.O. Endowments Department, Guntur.
3 A. Ramakrishna, S/o Rangaiah, Assistant Commissioner-cum-Executive Officer, Bugga Math, Endowments Department, Tirupathi, Chittoor District.
4 K. Sivaram, S/o Rajanna Sastry, Assistant Commissioner-cum-J.V.O. Endowments Department , Kurnool Town and District.
5 A. Sambi Reddy, s/o Narasa Reddy, Assistant Commissioner-cum-Executive Officer, Sri Lakshmi Padmavathi Sametha Venkateswara Swamy Temple, Vykuntapuram, Tenali, Guntur District.
6 B. Ramakrishna Raju, S/o Narayana Raju, Assistant Commissioner, Endowments Department, Khammam Town and District.

..... PETITIONERS

AND

1 S.S. Chandra Sekhar Azad, S/o Kotilingam, Assistant Commissioner, Endowments Department, Vijayawada, Krishna District.
2 K. Ramachandra Mohan, s/o Venkatanarayana Murthy, Assistant Commissioner, O/o Commissioner of Endowments, Boggulakunta, Hyderabad.
3 The Commissioner, Endowments Department, Bogulakunta, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Certiorari or any appropriate Writ, Order or Direction, Calling for the records in O.A.No. 5685 of 2004 on the file of the Hon'ble A.P. Administrative Tribunal, Hyderabad, and quash the interim order dated 7-10-2004 as modified on 3-11-2004 as it is void.

Counsel for the Petitioners: MR.K.V.SATYANARAYANA

Counsel for the Respondent No.1 and 2: MR.N.SUBBA REDDY, SENIOR COUNSEL representing Mr.GURUGOPAL, Advocate.

Counsel for Respondent No.3: G.P. for Services-II.

The Court made the following:

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.5685 of 2004, dated 7.10.2004.

2. The matter relates to the promotion to the post of Deputy Commissioners, Endowments. The Tribunal initially granted certain directions and subsequently they were modified by an order dated 7.10.2004. The said order came to be challenged in this Writ Petition by the unofficial respondents in the above OA.

3. The principal grievance of the learned counsel for the petitioners is that without hearing the petitioners the order was passed by the Tribunal, which is adverse to their interest, and such a procedure is contrary to Section 24 of A.P. Administrative Tribunals Act. He would also submit that the petitioners are entitled to be considered in preference to the respondents and therefore the interim order, which has the effect of inhibiting their promotion, is liable to be vacated.

4. Mr.N.Subba Reddy, learned Senior Counsel appearing on behalf of Mr.Gurugopal for unofficial respondents herein submit that no prejudice will be caused if the case of the petitioners as well as respondents is considered on the basis of the interim order passed by the Tribunal and thus he submits that the order of the Tribunal cannot said to be either illegal or irregular.

5. We have also heard the learned Government Pleader for Services-II for 3rd respondent.

6. After hearing the learned counsel for the parties, we find that the Tribunal did not hear the petitioners before passing the interim order or the modified interim order. In such a situation we find that the order is not inconformity with Section 24 of the Act. But, however, keeping in view the interest of both the parties, we are inclined to

dispose of the Writ Petition with the following directions:

1. The DPC shall meet as scheduled and the authorities are at liberty to issue promotion orders in accordance with the Rules and basing on the recommendations of the DPC. However, in the said promotion a rider shall be added to the effect that the promotion will be subject to the result in the O.A.

2. The learned Tribunal shall dispose of OA.No.5685 of 2004 as expeditiously as possible preferably within a period of six (06) weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the directions indicated above. No costs.

(G.BIKSHAPATHY, J.)

9th December, 2004.

(P.S.NARAYANA, J.)

SSR

Issue copy in two days.

(BO)

To

1 Mr. S.S. Chandra Sekhar Azad, S/o Kotilingam, Assistant Commissioner, Endowments Department, Vijayawada, Krishna District.
2 K. Ramachandra Mohan, s/o Venkatanarayana Murthy, Assistant Commissioner, O/o Commissioner of Endowments, Boggulakunta, Hyderabad.
3 The Commissioner, Endowments Department, Bogulakunta, Hyderabad.

4 2CCs to G.P. for Services-II, High Court of A.P. Hyderabad (OUT)

5 2CD copies.